

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Case No. 1:23-cv-00423-WO-JLW

TIMIA CHAPLIN; KEVIN SPRUILL;
ROTESHA MCNEIL; QIANA ROBERTSON;
YOUSSEF JALLAL; MESSIEJAH BRADLEY;
PAULINO CASTELLANOS; ROBERT
LEWIS; and ALLEN SIFFORD, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

WILLIE R. ROWE, in his official capacity as
the Sheriff of Wake County; BRIAN ESTES, in
his official capacity as the Sheriff of Lee
County; THE OHIO CASUALTY
INSURANCE COMPANY, as surety for the
Sheriff of Wake County and as surety for the
Sheriff of Lee County; TYLER
TECHNOLOGIES, INC.; NORTH CAROLINA
ADMINISTRATIVE OFFICE OF THE
COURTS; RYAN BOYCE, in his official
capacity as the Executive Director of the North
Carolina Administrative Office of the Courts;
BRAD FOWLER, in his official capacity as the
eCourts Executive Sponsor and Chief Business
Officer of the North Carolina Administrative
Office of the Courts; BLAIR WILLIAMS, in
his official capacity as the Wake County Clerk
of Superior Court; SUSIE K. THOMAS, in her
official capacity as the Lee County Clerk of
Superior Court; JOHN DOE SURETY, as the
surety for the Wake County Clerk of Superior
Court and the Lee County Clerk of Superior
Court; and DOES 1 THROUGH 20,
INCLUSIVE,

Defendants.

**CONSENT MOTION TO EXTEND
THE TIME TO MOVE FOR CLASS
CERTIFICATION UNDER LOCAL
RULE 23.1**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Rule 6.1, Plaintiffs move this Court to further extend the time to move for class certification under Local Rule 23.1(b). In support thereof, Plaintiffs show the following:

1. All Defendants whose counsel have made an appearance in this case consent to Plaintiffs' requested extension as detailed herein. LR 6.1(a).
2. On previous motion, this Court extended the time to move for class certification until December 15, 2023. (ECF No. 36).
3. In its order granting said extension, this Court noted that its "general preference is to address the class action question after any motion to dismiss is resolved." (ECF No. 36 at 2).
4. Under the current December 15, 2023 deadline, as explained below, Plaintiffs will be required to move for certification long before this Court has the opportunity to resolve any motions to dismiss.
5. Plaintiffs filed an amended complaint on October 27, 2023.
6. Several Defendants—Tyler Technologies, Sheriff Rowe, and Sheriff Estes—moved for and received extensions of time to respond to the amended complaint. (*See* ECF Nos. 33, 34, 35, and corresponding text orders). The deadline for those Defendants to move to dismiss the operative complaint is now December 13, 2023. And under the ordinary timeline, briefing on those motions would conclude well after the December 15, 2023 certification deadline. *See* LR 7.3(f), (h).
7. Other Defendants—Ryan Boyce, Brad Fowler, Blair Williams, Susie K. Thomas, and the North Carolina Administrative Office of the Courts—were newly named in the amended complaint. Those Defendants waived service and now have until January

16, 2024 to respond to the amended complaint; again, well after the present deadline to move for class certification.

8. In light of the above (and this Court's stated preference to address class certification "after any motion to dismiss is resolved), Plaintiffs propose the following schedule for class certification, to which all Defendants whose counsel have made an appearance have consented:

- a. That this Court order the parties to conduct a Rule 26 conference within 30 days of its resolution of all motions to dismiss.
- b. That, within 14 days following the Rule 26 conference, the parties jointly submit to the Court a proposed deadline for Plaintiffs to move for class certification.

WHEREFORE, Plaintiffs, with the consent of all Defendants whose counsel have made an appearance, respectfully request that this Court extend the time to move for class certification under Local Rule 23.1(b) until after the Rule 26 conference.

This the 28th day of November, 2023.

/s/ Zachary Ezor
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*Counsel for Plaintiffs on behalf of
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Served on all parties: Via ECF